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OFFICE OF PETITIONS

In re Application of :
Peter W.Bringmann et al :
Application No. 10/005,646 : DECISION ON PETITION
Filed: December 7, 2001 :
Attorney Docket No. BERLX 87 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 8, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 25, 2005. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1500; and (3) a proper statement of unintentional delay.

The extension of time fee of \$1020 submitted with the petition to revive on January 8, 2007 is unnecessary and will be credited to deposit account no. 02-2117as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1647 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.



Karen Creasy
Petitions Examiner
Office of Petitions